

### **REMARKS/ARGUMENTS**

Claim 1 has been amended to recite that an article is first manufactured and then a hydrolysis catalyst is added. This amendment is fully supported in the application as filed, for example from page 9, lines 3-4 and page 10, lines 1-3. Claims 1, 10 and 12 were amended to address the Examiner's clarity objections. Claim 18 was amended to reflect the change in claim 1. New claims 36-40 are essentially original claims 31-34, with the addition of "non-aqueous" in claim 37 being supported, for example at page 10 lines 22-26. Accordingly no new matter is being added by these amendments. As more claims have been cancelled or withdrawn than added, it is believed that no further fees are required by these new claims.

#### **Claim Rejections – 35 USC §112**

The Examiner has initially rejected claims 1 and 10 under 35 USC §112 second paragraph. Applicants have adopted the Examiner's helpful suggestions in this regard, and so believe that this objection should now be withdrawn.

#### **Claim Rejections – 35 USC §102/103**

Claims 1-4 and 13 are rejected under 35 USC §102(b) as anticipated by or in the alternative, under 35 USC §103(a) as obvious over USPat. No. 5,929,129 to Feichtinger. The Examiner contends that Feichtinger teaches a silane to peroxide ratio of up to of 100:1, based on the passage at column 7, lines 18-23. Applicants respectfully point out that this passage of Feichtinger is not reciting the "effective molar ratio" as that term is used in the claims, but rather a molecular ratio. As the peroxy compound discussed in this passage is a bis peroxy species, the "effective" molar ratio would be at most 50:1 with 10:1 being stated as the most preferred. Thus the limitations of claim 2 are clearly not taught by Feichtinger.

More importantly however, Claim 1 has now been amended to require that a hydrolysis catalyst be applied to a fabricated article comprising a polyolefin polymer with grafted silane material. Feichtinger, on the other hand, teaches that the hydrolysis catalysts (referred to in Feichtinger as "silanolysis" catalysts) should be melt blended with the resin prior to formation of the fabricated article (see for example column 16, lines 44-45 and the Examples). As Feichtinger neither teaches

nor suggests this aspect of the claims, it is respectfully requested that the 102/103 rejection be withdrawn.

Additionally, the Examiner's attention is drawn to new claims 38-40 which each requires the hydrolysis catalyst to be a titanate or zirconate. Feichtinger teaches a preferred hydrolysis catalyst of dibutyl tin dilaurate. Due to toxicity concerns, it is not believed that these tin-based catalysts would be useful for any application in which the fabricated article would be expected to have contact with skin. The zirconate claimed in new claim 40 has proven to be particularly effective (as partly demonstrated in Example 11), and so this claim has additional basis for patentability.

Claim Rejections – 35 USC §103

The Examiner has also rejected Claims 1-5, 9-16, 18-19 and 23-24 under 35 USC §103(a) as being unpatentable over US 6,455,637 to Jackson et al. in view of Feichtinger. Jackson is similar to Feichtinger in that its preferred teachings are much lower than the 45:1 effective molar ratio, it teaches adding the hydrolysis catalyst via melt blending before the article is formed (see column 5, line 26 for example), and it does not disclose any titanate or zirconate hydrolysis catalysts, let alone the specific catalyst recited in claim 40.

Finally the Examiner has rejected Claim 1 as being unpatentable under 35 USC §103(a) over US 5741,858 to Brann et al. in view of Feichtinger. Brann also teaches an effective molar ration less than presently claimed, indicates that the hydrolysis catalyst is added to the melt prior to article formation (see claim 14) and is silent as to any zirconate catalyst, particularly the one claimed in new claim 40.

Accordingly, the Applicants courteously request that the Examer withdraw the ejections based on Jackson and Brann.

Applicant submit that the case as amended appears to be patentable over all art made of record and therefore request that a notice of allowance be promptly issued.

Respectfully submitted,

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